

Remarks

The Applicant acknowledges that the Examiner has withdrawn the indication of allowability for claims 13-17 in view of the Gardner-based rejections but has withdrawn the previous rejections.

The Applicant has reviewed and respectfully traverses the new Gardner-based rejections. The Gardner reference discloses an example of a runflat tire that collapses onto itself in a zero pressure operation in a manner that prevents the tire from rolling off of the rim. Gardner's tire is used with a special rim and special lubrication to achieve its objective. To the contrary, Applicant's invention is directed to the type of runflat tire that does not collapse on itself in a zero pressure condition so that the vehicle can continue driving at normal speeds. The claimed invention does not require a special rim and does not require special lubrication to properly operate. To distinguish the invention from the Gardner reference, the Applicant has amended each of the independent claims to recite that the sidewall is supported in an uncollapsed runflat condition. The Applicant submits these amendments overcome the anticipation-type rejections based on Gardner. The Applicant further submits that one of ordinary skill in the art would not look to Gardner-type collapsible tires when designing a tire in the field of uncollapsible runflat tires. The Applicant thus submits that all of the claims are unobvious in view of Gardner alone or in combination with other references.

The Applicant submits that the Examiner's rejection of claims 1 and 7-11 under section 102(b) is overcome by the amendments to the claims to specifically recite that the sidewall is supported in an uncollapsed runflat condition. The Applicant thus respectfully requests that these rejections be withdrawn.

The Applicant also submits that the Examiner's rejections of claims 32 and 33 under 102(b)/103 should be withdrawn. Claim 32 has been amended to recite that the sidewall is supported in an uncollapsed runflat condition. The Gardner tire is a collapsible tire as shown in Fig. 2 wherein the tire sidewall collapses on itself when the tire loses pressure. The Applicant thus submits that the claims 32 and 33, as well as the other claims pending in the application, are unobvious in view of Gardner. To

establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestions or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestions to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. M.P.E.P. § 2142. The Applicant respectfully submits that Gardner thus teaches away from the invention recited in independent claim 32 and does not provide the requisite motivation for establishing a *prima facie* case of obviousness. A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant. The degree of teaching away will of course depend on the particular facts; in general, a reference will teach away if it suggests that the line of development flowing from the reference's disclosure is unlikely to be productive of the result sought by the applicant. See *United States v. Adams*, 383 U.S. 39, 52, 148 USPQ 479, 484 (1966) ("known disadvantages in old devices which would naturally discourage the search for new inventions may be taken into account in determining obviousness"). *In re Gurley*, 31 USPQ 2d 1130, 1131 (Fed. Cir. 1994). In this case, the Applicant submits that Gardner would lead one of ordinary skill in the art away from the claimed invention because Gardner teaches that the sidewall should be designed to collapse on itself to provide the runflat capability. The Applicant submits that one of ordinary skill in the art would not seek to create an uncollapsible runflat tire by looking to the Gardner reference. The Applicant further submits that the reference fails to provide the requisite likelihood of success. The art of Gardner teaches that cantilever-type tires collapse while the claims require uncollapsed runflat capabilities. There is nothing in the reference that suggests a successful solution. The Applicant thus respectfully requests that the Examiner withdraw the rejection.

The Examiner rejected claim 17 as being obvious in view of Gardner in view of Kobayashi and Nishikawa. The Applicant again respectfully traverses the rejection

contending that Garner and Kobayashi/Nishikawa are directed to different types of tires and present different lines of reasoning with respect to the runflat issue. The Applicant submits that one of ordinary skill in the art would not have combined the teachings of Gardner and Kobayashi/Nishikawa because the references teach different types of tire solutions.

The Examiner rejected independent claims 1, 17, and 32 as being obvious in view of Kobayashi in view of Gardner. In this rejection, the Examiner reasons that the Gardner reference "is directed to similar runflat construction." The Applicant respectfully traverses this reading of Gardner and submits, as discussed above, that the teachings of Gardner and Kobayashi would not have been considered together by one of ordinary skill in the art at the time the invention was made. One of ordinary skill in the art would not have sought to modify the uncollapsible-type runflat tire of Kobayashi with the collapsing, cantilever tire sidewall of Gardner. The Applicant submits that there is no proper suggestion for making this type of combination because Gardner is directed to a different line of tire design than Kobayashi. In view of the claim amendments requiring an uncollapsed runflat condition, the Applicant respectfully requests the rejection to be withdrawn.

The Applicant has not specifically argues the patentability of the dependent claims at this time submitting that each of the independent claims are patentable.

In view of the foregoing, the Applicant respectfully requests reconsideration of the claims and most earnestly solicits the issuance of a formal notice of allowability for the claims. Please call Fred Zollinger at 330-244-1174 if any issues remain after this amendment.

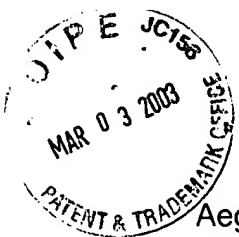
If any issues remain after this amendment, the undersigned attorney would welcome a telephone call.

Respectfully submitted at Canton, Ohio this 24th day of February, 2003.

SAND & SEBOLT

A handwritten signature in black ink, appearing to read "Fred H. Zollinger, III", with a stylized flourish at the end.


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CERTIFICATE OF MAILING

I hereby certify that this correspondence (Amendment C in application serial no. 09/607,070 filed June 29, 2000) is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box Non-Fee Amendment, Washington, DC 20231, on this 24th day of February, 2003.


Fred H. Zollinger III



Version of Amendments with Markings

1. (Thrice amended) A runflat tire having an axis of rotation, the tire comprising:
 - a pair of axially-spaced bead portions; each having a bead core;
 - a pair of axially-spaced sidewalls;
 - at least one body ply;
 - each of the sidewalls including a sidewall insert disposed axially inwardly of the at least one body ply; the sidewall insert being adapted to support the sidewall in [a] an uncollapsed runflat operating condition; and
 - each of the sidewalls having a radial portion and a cantilever portion, the cantilever portion being cantilevered with respect to the bead core.

9. (Thrice amended) A runflat tire having an axis of rotation, the tire comprising:
 - a pair of axially-spaced bead portions; each having a bead core;
 - a pair of axially-spaced sidewalls;
 - at least one body ply;
 - each of the sidewalls including a sidewall insert disposed inwardly of the at least one body ply; the sidewall insert being adapted to support the sidewall in [a] an uncollapsed runflat operating condition;
 - each of the sidewalls having a radial portion and a cantilever portion, the cantilever portion being cantilevered with respect to the bead core; and
 - the bead portion including an axially outer end disposed adjacent the radially inner end of the sidewall insert.

17. (Twice amended) A runflat tire having an axis of rotation, the tire comprising:
 - a pair of axially-spaced bead portions; each having a bead core;
 - a pair of axially-spaced sidewalls;
 - a first body ply and a second body ply;
 - each of the sidewalls including a sidewall insert adapted to support the sidewall in [a] an uncollapsed runflat operating condition;

each of the sidewalls having a radial portion and a cantilever portion, the cantilever portion being cantilevered with respect to the bead core;
the cantilever portion of the sidewall including a portion of the bead portion;
the bead portion including a bead filler; and the bead filler being disposed between the first and second body plies in the cantilever portion of the sidewall.

32. (Once amended) A runflat tire having an axis of rotation, the tire comprising:
a pair of axially-spaced bead portions; each having a bead core;
a pair of axially-spaced sidewalls;
at least one body ply;
each of the sidewalls including a sidewall insert; the sidewall insert being adapted to support the sidewall in [a] an uncollapsed runflat operating condition;
each of the sidewalls having a radial portion and a cantilever portion, the cantilever portion being cantilevered with respect to the bead core;
each bead portion including a bead filler having a portion disposed in the cantilever portion of the sidewall;
the bead filler including an axially outer end that overlaps the position of at least a portion of the sidewall insert.